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Environmental **A**ppeal **B**oard of **A**lberta

1996 Annual Report



January 1, 1996 to December 31, 1996



ALBERTA
ENVIRONMENTAL APPEAL BOARD

Office of the Chairman

March 25, 1997

The Honourable Ty Lund
Minister of Environmental Protection
323 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Mr. Lund:

Re: Environmental Appeal Board - 1996 Annual Report

I respectfully submit the 1996 Annual Report of the Environmental Appeal Board for the period covering January 1, 1996 to December 31, 1996.

Yours truly,

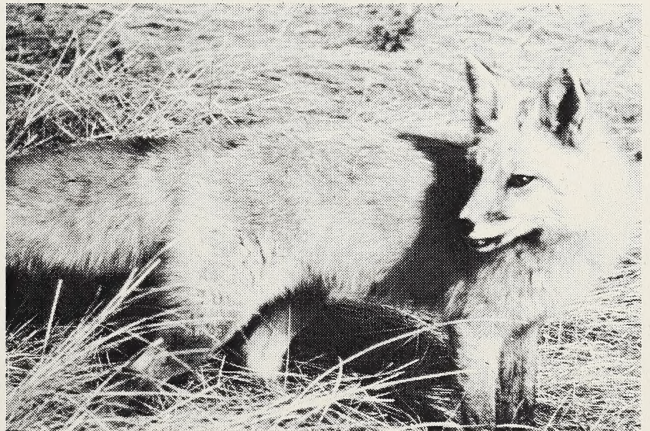
William A. Tillemann
Chair

cc: P. McInychuk, Deputy Minister



Environmental **A**ppeal **B**oard of **A**lberta

1996 Annual Report

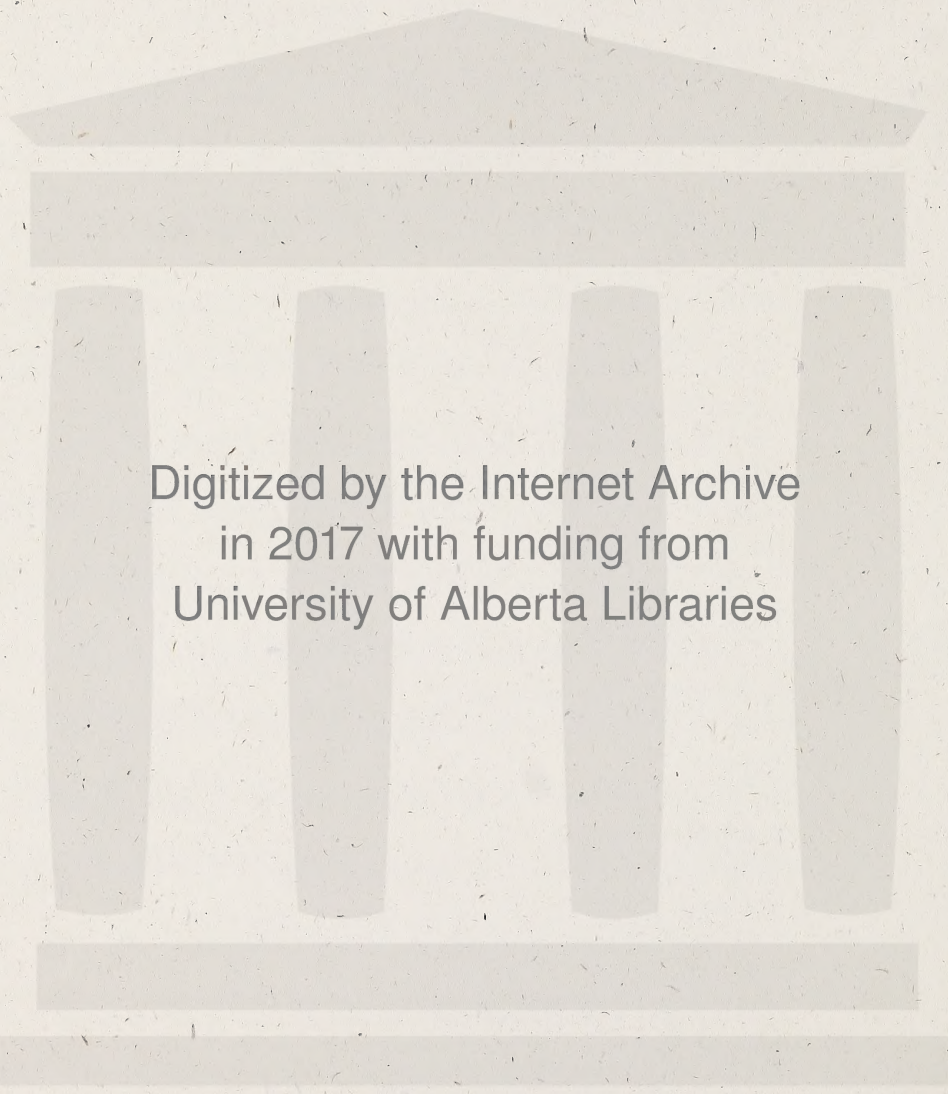


January 1, 1996 to December 31, 1996

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Message from the Chair



The past year has been full of new challenges and productive initiatives for the Environmental Appeal Board. From a Board perspective, much change has occurred, not only in the membership of the Board, but in the legislation that guides us. During the 1996 year two new persons joined the Board, bringing to us a wealth of expertise in the areas of public health, water and biology.

With the amendments to the legislation, the Board is facing new laws established to meet the needs of Albertans in balancing the protection of the environment with the growth of industry. In order to advance communications, we have developed a world wide web site in which others can quickly share the information and to provide feedback. The Board is developing its public consultation process to allow Albertans to guide us in the proper direction.

Over the past year, the Board has seen over a 100% increase in the number of appeals filed. We have met the increased business and will ensure that each appeal is being dealt with effectively and efficiently. At the Board, we are striving to demonstrate that we consider each appeal with the respect that it deserves and that voices of Albertans are placed in the correct balance with environment and growth of industry.

The Board is strongly pursuing the advantages of mediation. By using the model developed by Harvard and M.I.T., the Board will better meet the needs of parties we have been established to serve. Mediation is a more casual, less formal, approach. Parties can sit down and discuss the issue with each other and one of our members. The goal is to reach a satisfactory conclusion, keeping in mind the purpose of our Act and the interests of all parties. The Board enjoys a large success rate based largely on the willingness of parties to pursue joint advantages, and to look for a win/win resolution.

Although we are an independent body, we wish to be partners with the people of Alberta, whether the farmer from the northern tip of the province, or the oil production personnel in southern Alberta. The upcoming year will be presenting new challenges with the passing of the Water Act.

In order to meet these challenges, and we will, the Environmental Appeal Board will seek members with technical/scientific expertise, or we will hire the expertise on a case by case basis. The Board continues to seek the public's confidence as we meet our goals and objectives.

Mission Statement

The Environmental Appeal Board was established to provide fair, impartial and efficient resolution of all matters before it, and at the same time, ensure that the protection, enhancement and wise use of Alberta's environment are maintained. The Board operates consistent with and subject to the purposes of the *Environmental Protection and Enhancement Act*.



Background

General

The mission of the Environmental Appeal Board is to provide a vehicle whereby Alberta citizens and corporations can appeal decisions of the Department of Environmental Protection regarding the environment. In order to properly perform this function, the members of the Board must have a broad range of technical and scientific expertise as well as good people skills.

The Board deals with appeals presented to it in two manners: first, a serious attempt is made to mediate the dispute in an informal setting with the mediation conducted by a Board member; second, if the mediation is unsuccessful, the appeal is heard by a panel of Board members excluding the member who attempted the mediation. Mediation can result in a resolution of the appeal that is more favourable than the hearing process and is always recommended to the parties.

In order to fulfill its mission, the Board must operate in a way which is accepted by the appellants and must appear completely unbiased in its dealings and decisions. In addition, it must have a good understanding of the technical and scientific backgrounds of the matters brought before it. It is the sincere desire of the Board to become known as one of the leading environmental appeal bodies.

The Canadian environmental movement began in the late 1960's. It was largely driven by controversial water resource development mega-project proposals and a more informed public with access to strong US environmental groups organized earlier in the decade.

At the time, there were no environmental departments in government. Many professional organizations slotted in traditional profit making modes saw this movement as a threat and were slow to react to what was clearly becoming a major politically sensitive issue. During this period there were no environmental consulting categories in the Yellow Pages. Today there are thousands of companies and individuals selling environmental services. Many people have sought status as environmental experts.

Obviously this situation has presented serious problems for the broad range of government and industry clients contracting these services in attempts to present their case to administrative bodies. The Board's mission of ensuring its decisions will



support the protection, enhancement and wise use of Alberta's environment requires that the Board rely upon evidence involving scientific matters which is both current and scientifically credible. Consequently, the Board is committed to evaluating all scientific evidence presented by any party to an appeal in the context of the best available, current scientific knowledge

which is relevant and applicable to the key matters of the case. However, the Board recognizes that this goal must be pursued in a manner which does not place appellants who lack their own scientific support at any disadvantage in the process.

History

An environmental appeal process for Alberta was first proposed in early 1988 by the Review Panel on Environmental Law Enforcement. The panel had been asked by the Alberta Government to make recommendations to strengthen the enforcement of Alberta's environmental statutes. With respect to licence appeals, this panel recommended that:

- ◆ an appeal process or mechanism be established for an appeal from a permit or licence decision of the Director of Standards and Approvals to be made to avoid the imposition of unrealistic terms and to ensure that licence negotiations not carry on indefinitely;
- ◆ standing to appeal be available to the applicant and to third parties who can demonstrate both an interest in and a potential impact from the applicant's operation;
- ◆ the appeal board be made up of representatives from government, industry and the public;
- ◆ the appeal board have jurisdiction to hear all appeals of licences issued pursuant to environmental statutes;
- ◆ the appeal be heard within a specified number of days; and
- ◆ further appeal to the courts be restrict to questions of law or jurisdiction.

In June of 1990, a discussion draft of the Environmental Protection and Enhancement Act was released by the Honourable Ralph Klein, then Minister of Environment. It contained several sections establishing "boards of review" (similar to those under the Canadian Environmental Protection Act) to hear appeals of certain specified matters. The government appointed the Environmental Legislation Review Panel, chaired by Brian Evans, currently Minister of Justice, to provide members of the public the opportunity to express their views. The panel held public meetings throughout the province in the fall of 1990 and received both oral and written submissions. It submitted its report in January of 1991 and the concept of an appeal mechanism was confirmed.

The discussion draft was redrafted and introduced in the Legislative Assembly as Bill 53 in June of 1991. Bill 53 changed "boards of review" to an "Environmental Appeal Board" similar to the one we see today. In May of 1992, following further public input, the Act was re-introduced as Bill 23 and received third reading and Royal Assent on June 26, 1992. It was proclaimed effective September 1, 1993, and the Environmental Appeal Board was created as of that date.

The Board was conceived as a body that would offer an unbiased and impartial approach to regulated industry. The panels reviewing proposals for legislative change were initially concerned that regulated industries believed they were being treated unfairly by government regulators and were being required to meet more stringent requirements than were justifiable in the circumstances. However, in the course of the development of the Act and its regulations, it became apparent that members of the public were also concerned with the licensing process and looked to an independent appeal process as a way to have a say in the licensing of the projects that might, through their operations, have a negative impact on the environment. The government responded to these concerns and, as a result, the Board is now in place to hear appeals and make decisions or recommendations in accordance with its powers under the Act.

The Board replaces several discrete appeal processes that were available under statutes repealed by the Act.

1

Appeals under the Agricultural Chemicals Act, to the Agricultural Chemicals Advisory Committee.

2

Appeals of chemical control orders issued under the Hazardous Chemicals Act, to the Hazardous Chemicals Advisory Committee.

3

Appeals of stop sale orders and depot operation stop orders issued under the Beverage Container Act, to the Minister and the Environment Council of Alberta for inquiry.

4

Appeals under the Ground Water Development Act, to an appeal board established by the Minister.

5

Appeals of stop orders issued under the Land Surface Conservation and Reclamation Act, to the Minister and the Environment Council of Alberta for inquiry.

6

Appeals of stop orders issued under the Clean Water Act and the Clean Air Act, to the Minister and the Environment Council of Alberta for inquiry.

7

Appeals of stop orders issued under the Department of the Environment Act, to the Minister and the Environment Council of Alberta for inquiry.

8

Appeals of clean-up orders issued under the Litter Act, to review committees appointed by the Minister.

Core Business

The Board's core business is to hear appeals from applicants and affected parties on decisions regarding environmental approvals, enforcement actions, reclamation certificates, certificates of qualification, and other matters.

Its objectives are:

- 1 to strive for correctness and precision in decision making;
- 2 to maintain fair and simple procedures;
- 3 to give priority to the substance of an appeal rather than its form;
- 4 to consider appeals as expeditiously as possible;
- 5 to provide sound appeal procedures and issue clear and consistent decisions on the new statutory provisions;
- 6 to ensure the availability of Board decisions, rules and procedures to parties that appear before the Board;
- 7 to decrease the time needed to process appeals;
- 8 to focus on dispute resolution options in the mediation meetings and monitor their success;
- 9 to recommend sound and well-documented legislative changes;
- 10 to develop closer contacts with the various interest groups to keep abreast of industry, public and government concerns and proposals for change;
- 11 to formalize the long-range planning and budget review process for the Board;
- 12 to achieve fairness and unbiased results, having regard for the purpose of the Act and the interests of all parties to an appeal;
- 13 to achieve correctness and precision in decision-making; and
- 14 to make energetic and productive use of the Board's resources in meeting the needs of the parties.

Operating Principles

Shared Responsibility

Through partnership with Albertans, we strive to give Albertans the opportunity to have a voice through appeal procedures that ensures Alberta's renewable resources are managed appropriately.

Public Involvement

The Board strives to increase Albertans' awareness and understanding of our mandate and to increase public participation through creative appeal procedures such as mediation.

Customer Service

The Board is dedicated to service in all regions of Alberta for all Albertans.

Ecosystem Sustainability

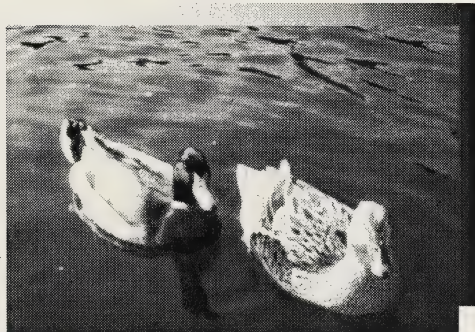
The Board believes that a healthy environment is essential to the integrity of ecosystems and human health and to the well-being of society.

Scientific and Technical Leadership

The Board hears and processes appeals on the basis of proper and appropriate science, technology and environmental information.

Sustainable Development

By hearing appeals in a fair and effective manner, the Board tries to ensure the wise use of our renewable resources so that future generations can also enjoy and use the environment.



Strategies

The Environmental Appeal Board employs the following strategies to achieve its objectives:

Use written rather than public hearings in order to minimize costs.

Use a single Board member for each mediator meeting and encourages the use of alternative dispute resolution mechanisms, such as mediation, where possible.

Use alternative dispute resolution options in the mediator meetings and monitors their success.

Train Board members and staff to mediate those appeals that are amenable to settlement.

Utilize three-person appeal panels, organized where possible, on a regional basis to minimize travel and meeting costs.

Ensure the availability of Board decisions, rules and procedures to parties that appear before the Board so as to achieve greater understanding, reduce unnecessary appeals and generate informed suggestions for future change.

Maintain Board rules and procedures in an accessible manner to ensure consistency of application, to reduce time taken in processing appeals, and to focus Board decisions on providing procedural fairness where possible.

Consolidate individual appeals where possible.

Provide access to the Board for all parties' (business, government and the public), including telephone access for out-of-town parties.

Maintain Board documents, rules and procedures in an updated form, eliminating inaccurate or outdated information and providing both Board staff and Board clientele with easy access to the records of outstanding appeals.

Monitor Part 3 of the Act and the regulations.

Review and rationalize as necessary Board staffing requirements.

Operate the Board within its budget.

The Act and Regulations

The provisions relating to the Board are found in Part 3 of the Act, the Environmental Appeal Board Regulation and the Environmental Protection and Enhancement (Miscellaneous) Regulation. The Board has statutory authority to hear appeals of administrative decisions made with respect to a variety of matters regulated by the *Environmental Protection and Enhancement Act*.

Generally, the Board has the power to make recommendations to the Minister of Environmental Protection on matters brought before it, and the Minister makes the final decision. On matters relating to requests for confidentiality and administrative penalties, the Board makes the final decisions. In carrying out its functions, the Board has all the powers of a commissioner under the *Public Inquiries Act*, including the ability to retain experts to assist with matters before the Board and to compel persons or evidence to be brought before the Board. Although it is not subject to the provisions of the *Administrative Procedures Act*, the Board has an obligation to operate in accordance with the principles of natural justice. The Board does not replace or eliminate the right of Albertans to seek judicial review in the courts consistent with normal common law practice.

Bill 39, now the *Environmental Protection and Enhancement Amendment Act*, received Royal Assent on May 24, 1996. This amendment allows for the Board to process appeals more expeditiously and allows more flexibility to decide procedures on a case by case basis. The Environmental Appeal Board Amendment Regulation came into force on September 30, 1996.



Board Membership

Members of the Board are appointed by Cabinet (section 83(1)). All members are part-time members and are paid on a per diem basis and are reimbursed for their expenses. When there is an appeal, it is normally mediated. Failing mediation, the appeal is heard by a panel of the Board consisting of three Board members.

In 1993, the Minister and Cabinet commenced operations of the Board by appointing a minimum number of persons - a chair, vice-chair and two members. Through the Environmental Protection Advisory committee, which represents and liaises with some 30 provincial interest groups and industry organizations, the Minister invited applications from suitably qualified individuals.

From applications received and processed by the Public Service Commissioner's office, and the interviews were conducted by a selection committee chaired by Dr. Natalia Krawetz (then from Chief Executive Office of the Environment Council of Alberta), the selection committee reported to the Minister. The Order in Council appointing the Board members was signed on August 25, 1993, with four appointments effective September 1, 1993, for a one-year period. In August 1994, Cabinet extended the terms and appointed an additional member whose application the original selection committee approved in 1993. In 1996, one member departed and two were appointed with the Board operating with a chair and five members.

The Chair of the Board is Dr. William Tilleman, a Calgary environmental lawyer and adjunct professor at the University of Calgary Faculty of Law. Dr. Tilleman holds a J.S.D. from Columbia University, New York and has acted for government, private industry, and has counselled a variety of Canadian administrative Boards. The other current Board members are Mr. Max McCann, a businessman from St. Albert and former chair of the Public Health Advisory and Appeal Board; Dr. M. Anne Naeth, a professional biologist and agrologist, is a Professor in the Department of Renewable Resources, Faculty of Agriculture, Forestry and Home Economics at the University of Alberta; Dr. John Ogilvie of Priddis, a semi-retired Ph.D. in Metallurgy with a broad industrial experience in North America; Mr. Ron Peiluck, an active consultant to industry, with a biology background and a master's degree in land and water resource development; and Dr. Steve Hrudey, a Professor with the Environmental Health Program, Faculty of Medicine at the University of Alberta, with a risk management and environmental health background and a Ph.D. in Public Health Engineering.

Staff and Office Accommodation

The Board has three full-time staff members consisting of an Executive Director and Registrar of Appeals, Office Administrator and Receptionist. Temporary administrative assistance is retained as required.

The Board occupies part of the 4th floor in the Alberta Treasury Branches Plaza, at 9925 - 109 Street. This location allows the Board to conduct public meetings and hearings at a lower cost, within its own location and therefore not require the leasing of a larger facility.

Finances

The Board's budget is \$469,000 for the fiscal year 1996/97. The higher budget from previous years was a result of four judicial review actions in the Court of Queen's Bench and the Court of Appeal following the close of appeal files. (External legal costs were not taken into consideration when forecasting for the 1995/96 fiscal budget.) The Board also experienced an increase in the administrative workload due to appeals.

To date in 1996/97, the Board maintains its budget.

Summary of Spending Profile

	1995-96 Actual ¹	1996-97 Estimate ¹	1997-98 Estimate ¹	1998-99 Estimate ¹	1999-2000 Estimate ¹
Operating Capital (dollars)	471,631	469,000	469,000	469,000	469,000
Total (dollars)	471,631	469,000	469,000	469,000	469,000

¹The workload of the Board is externally driven, and the costs will accordingly vary with the number of appeals that are filed. The generation of appeals is a matter that is beyond the Board's control.

Workload

Increasingly stringent environmental standards and increasing enforcement of environmental laws have resulted in a continuing increase in the number and complexity of appeals to the Board. In addition, the increased interest of the public in the issues before the Board reflect higher numbers of private appeals being filed, than originally expected. This requires more of the members' time, higher administrative costs, and increasingly complex legal and scientific issues.

During this calendar year, the Board received 81 appeals; 65 pertained to approvals (including amendments and refusals), 6 to enforcement actions, 5 to reclamation certificates, 2 were matters regarding designation of contaminated sites, one was in relation to an environmental impact assessment, and 2 were administrative penalties. Details of the 81 appeals are set out in Appendix A.

Of the 81 appeals filed; 13 were withdrawn by the appellants; 4 were resolved by the parties with the Board serving as the mediator, 55 were dismissed by the Board, 1 was allowed, and 8 are still in the process of being heard/decided.

Next year, the Board is facing an increasing number of appeals. The new Water Act, and landfill issues transferred to the Ministry of Environmental Protection (from the Public Health Act) will provide the Board with greater challenges over next year.

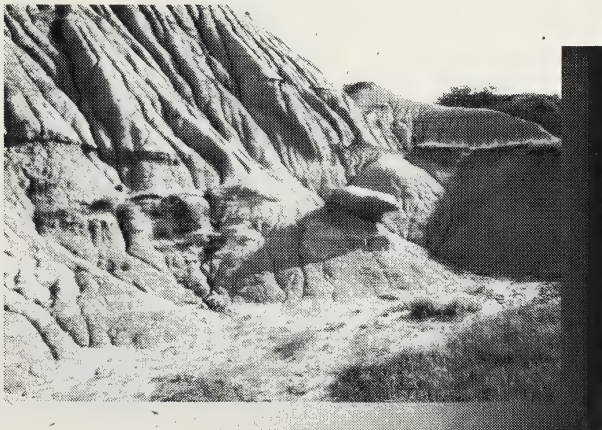


Public Documents

The Board's decisions and recommendations are public documents and may be viewed at any of the following locations:

- ◆ Environmental Law Centre, 10350 - 124 Street, Suite 201, Edmonton
- ◆ Alberta Environmental Protection, 6th floor, 9920 - 108 Street, Edmonton
- ◆ John A. Weir Memorial Law Library, University of Alberta
- ◆ Law Library, University of Calgary
- ◆ Canadian Institute of Resources Law, 3330 Professional Faculties Building, Block B, University of Calgary
- ◆ Canada Law Book Inc., 240 Edward Street, Aurora, Ontario, L4G 3S9
- ◆ Canadian Environmental Law Reports, 2075 Kennedy Road, Scarborough, Ontario, M1T 3V4
- ◆ Western Legal Publications, 301 One Alexander Street, Vancouver, British Columbia, V6A 1B2.

Additionally, the decision and recommendation reports are available through the Quick Law database. They are reported in the Environmental Law Digest and are posted on the Board's web site under the address of <http://www.gov.ab.ca/~eab/>.



Rules of Practice

In May 1994, the Board identified the need to establish Rules of Practice to assist laypersons to understand the Board and its procedures. As provided for in section 87(8) of the Act, the Board drafted a set of rules and sought comments from some 40 parties. These groups and individuals represented industry, environmental organizations, the general public, government departments and the legal community. The Board reviewed the comments and suggestions it received, and made a number of changes to the document. The Rules of Practice are publicly available and a copy is appended to this report as Appendix A.

In order to ensure the Board is constantly linked to the public interest, during the 1997 calendar year, the Board will again seek public consultation on its current Rules of Practice and its regulations. This will allow the Board to conform to the Regulation Reform practice by government ensuring increased efficiency to all Albertans.



Summary of Appeals

Appendix B outlines the Board's activities for this reporting period, as well as any activities that were outstanding from previous years and dealt with during the 1996 calendar year.



Conclusion

The Environmental Appeal Board was established to ensure objectivity and fairness are integrated into decision-making, taking into account public concerns and a commitment to sustainable development. The Board looks forward to the next year and all the challenges that present themselves, as well as meeting those challenges.

For more information, contact:

Registrar of Appeals
Environmental Appeal Board
400 - 9925 - 109 Street
Edmonton, Alberta T5J 2K8

Environmental **A**ppeal **B**oard of **A**lberta

Rules of Practice
Appendix A
November 1996



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Introduction

These are the Rules of Practice of the Alberta Environmental Appeal Board which are contemplated by section 87 of the *Environmental Protection and Enhancement Act*.

The Act and the corresponding Regulation set out the formal requirements of an appeal and what the Board must do when it receives an appeal. In addition, the Act confers on the Board all the powers of a commission of inquiry under the *Public Inquiries Act*. The purpose of these Rules of Practice is to indicate how the Board will exercise its powers to deal with appeals.

The Board wishes to stress that its procedures will have to be flexible. Where any matter arises during the course of any proceeding that is not envisioned by these Rules, the Board will do whatever is necessary to enable it to adjudicate effectively and completely on the appeal. Additionally, the Board will dispense with compliance with any part or all of a particular rule if, in its opinion, the circumstances so require, and it will issue specific directions to govern such cases. In all cases, the Act, Regulation and other statutory provisions must be compiled with and will override these Rules in case of conflict.

The Board intends to use these Rules of Practice to fulfill the spirit of the Act and Regulation. Every effort will be made to process appeals in a timely fashion in accordance with the principles of natural justice, including issuing decisions expeditiously. The Board expects all parties to co-operate in the discharge of its mandate.



In these Rules,

Definition

“Act” means the *Environmental Protection and Enhancement Act*, (S.A. 1992, ch. E-13.3, as amended);

“appellant” means the person who files a notice of appeal that results in an appeal;

“Board” means the Environmental Appeal Board established under sec. 83 of the Act;

“Chair” means the Chair of the Board and includes any member of the Board acting as chair from time to time;

“Minister” means the Minister of Environmental Protection;

“notice of appeal” means a notice of objection filed pursuant to sec. 84 of the Act or sec. 17.1 of the *Canadian Department of the Environment Act*;

“panel” means a panel of the Board;

“party” means

- (a) the appellant;
- (b) the person whose decision is the subject of the notice of appeal;
- (c) any person who the Board decides under section 9(2) of the Regulation should be allowed to make representations in respect of the subject matter of the notice of appeal; and
- (d) for the purposes of these Rules of Practice, any person who the Board determines to be a party;

“Regulation” means the Environmental Appeal Board Regulation, Alberta Reg. 114/93.

Conduct

The Board has all powers necessary to conduct the fair, expeditious and impartial hearing of an appeal, including the following:

- ◆ to issue subpoenas authorized by law;
- ◆ to administer oaths and affirmations;
- ◆ to rule on the admissibility and relevancy of evidence;
- ◆ to seek full disclosure of evidence when the ends of justice would be served;
- ◆ to regulate the course of the hearing and the conduct of persons at the hearing;
- ◆ where appropriate, to inform the parties as to the availability of one or more alternative means of dispute resolution, and encourage the use of such methods;
- ◆ to hold conferences for the settlement or simplification of the issues including, where appropriate, the use of preliminary meetings and alternative means of dispute resolution;
- ◆ to require the attendance at any meeting of at least one representative of each party who has authority to make commitments in regard to procedural matters and to negotiate concerning resolution of the issues in controversy;
- ◆ to dispose of procedural motions;
- ◆ to make or recommend decisions in conjunction with the panel;
- ◆ to call and question witnesses;
- ◆ where sanctioned by law, to impose appropriate sanctions against any party or person failing to obey a Board order, refusing to adhere to reasonable standards of orderly and ethical conduct, or refusing to act in good faith; and
- ◆ to take any other action authorized by or exercise the powers of a commissioner under the *Public Inquiries Act*.

Precedent

In light of the discretionary nature of the Board's powers, it must decide each case individually in light of the material before it in that particular case. Over time, the Board's prior decisions may provide a useful benchmark to indicate how the Board will view particular types of cases. However, while the Board will generally try to decide similar cases similarly, as a matter of law it must decide each case on its own merits.

4

The Board shall consider all notices of appeal properly filed with it, and shall do so as expeditiously as possible.

All documents filed by a party to an appeal are available for inspection at the Board office by parties to the appeal and by the public.

Miscellaneous

Any party may appear on its own behalf or be represented by counsel or by an authorized representative.

Unless otherwise ordered by the Board, the hearing of an appeal is open to the public.

The Board may amend its rules, including such time limits as may be required, to give proper effect to the hearing of an appeal.

Any party may apply, at any time, for advice and direction as to how to proceed.

5

A notice of appeal must contain the following information:

- ◆ the provision of the Act under which the notice of appeal is submitted;
- ◆ the name and title of the person whose decision is the subject of the notice of appeal and the details of the decision objected to;
- ◆ the grounds of appeal including the reasons why the appellant objects to the decision appealed;
- ◆ a description of the relief requested by the person objecting;
- ◆ the signature of the person objecting, or the person's agent; and
- ◆ an address in Alberta for service for the person objecting.

Notice of Appeal

The Board shall consider the notice of appeal in relation to the question of its jurisdiction and the dismissal obligations set out in sec. 87(5).

An appeal must be dismissed, if in the Board's opinion:

- ◆ the person submitting the notice of appeal received notice of or participated in or had the opportunity to participate in one or more hearings or reviews under the Natural Resources Conservation Board Act or any Act administered by the Energy Resources Conservation Board at which all of the matters included in the notice of appeal were considered; or
- ◆ the Government of Alberta has participated in a public review under section 35 of the Environmental Assessment and Review Process Guidelines Order under the Department of the Environment Act (Canada) in respect of all of the matters included in the notice of appeal.
- ◆ in the case of a notice of objection submitted under section 84(i)(a)(iv) or (v), (g)(ii) or (j), the Board is of the opinion that the person submitting the notice of objection is not directly affected by the decision or designation.
- ◆ for any other reason the Board considers that the notice of objection is not properly before it.

However, parties submitting a notice of appeal from issues that arose at these earlier hearings or reviews will have an opportunity to explain to the Board why the appeal submission is materially different from these other hearings.

The Board also has the power to dismiss the notice of appeal if:

- ◆ it is determined that the appellant does not have standing or the Board does not have jurisdiction;
- ◆ it considers the notice of appeal to be frivolous, vexatious or without merit;
- ◆ the person who submitted the notice of appeal has failed to comply with a written notice under sec. 85; or
- ◆ the person who submitted the notice of appeal fails to provide security in accordance with an order under sec. 89 (3)(b).

7

The Board may give written notice to the person who submitted the notice of appeal that it requires additional information. This information is to be submitted as set out in the written notice and within the time specified in the written notice (sec. 85).

Request for Information

The Board may provide to a person who submitted the notice of appeal, and any person who the Board considers appropriate, an opportunity to make representations to the Board with respect to which matters should be included in the hearing of an appeal (sec. 87 (3)). These representations may be made orally or in writing, at the Board's direction.

8

The Board shall determine which matters included in the notice of appeal will be included in the hearing of the appeal. The Board may consider certain matters before it makes its determination (sec. 87 (2)). Where the Board determines that a matter will not be included in the hearing of an appeal, no representations may be made on that matter (sec. 87(4)).

Determination of Issues

9

All motions shall state the specific relief requested and the basis therefore. Except as provided below, they shall be made in writing.

Motions

Unless otherwise ordered by the Board, a motion may be made orally following reasonable notice to other parties during a preliminary meeting, a mediation or an appeal hearing. After an opportunity for response, the Board may rule on the motion immediately or may direct that the motion and response be submitted in writing.

10

Prior to determining the issues on appeal and whether to proceed, the Board may schedule a preliminary meeting at which all parties may make representations on this issue. The Board will set the terms of reference for the mediation in advance and will notify all parties of the terms of reference in writing.

Mediation

11

Prior to proceeding to a hearing, or during a hearing, the Board may, at the request of a party or on its own motion, schedule a site visit. The Board will set the terms of reference for the site visit in advance and will notify all parties in writing of the site visit and terms of reference for it.

Site Visit



12

Notice of Hearing

After the Board has considered the issues in sec. 87(2) and (5), it will determine whether to proceed with the appeal. At such time as the Board decides to proceed with an appeal, it shall fix a date for the hearing of the appeal, which shall not be more than 60 days after the date of determination to proceed.

The Board shall give written notice of the date of the hearing to the appellant, to the person whose decision is appealed and to the other parties to the appeal. The Board shall publish notice in any manner which it considers appropriate at least 45 days before the hearing. The Board retains the discretion to require any party to give this notice, or to publish it.

The notice of hearing shall contain the following information:

- ◆ the date, time and place of the hearing;
- ◆ a summary of the subject matter of the notice of appeal;
- ◆ a statement that persons wishing to make representations on the matter before the Board must submit a request in writing to the Board;
- ◆ the deadline for submitting such a request in writing;
- ◆ the mailing address and fax number of the Board; and
- ◆ the location and time that any material filed with the Board will be available for examination by interested persons.

Third Party Intervention

The rights of any party to the appeal process are determined by statute, these Rules, and other applicable law. Normally, special rights given to intervenors will be established only following their request to participate in the appeal in response to the Board's publication of a notice of hearing.

A request in writing shall contain the following:

- ◆ the name, address, telephone and fax numbers of the person submitting the request;
- ◆ an indication whether the person submitting the request intends to be represented by a lawyer or agent, and, if so, the name, address, telephone and fax number(s) of the lawyer or agent;
- ◆ a summary of the nature of the person's interest in the subject matter of the notice of appeal; and
- ◆ the signature of the person submitting the request.

Where the Board receives a request in writing, it shall determine whether the person submitting the request should be allowed to make representations in respect of the subject matter of the notice of appeal.

As a general rule, those persons or groups wishing to intervene must meet the following tests:

- ◆ their participation will materially assist the Board in deciding the appeal by providing testimony, cross-examining witnesses, or offering argument or other evidence directly relevant to the appeal; the intervenor has a tangible interest in the subject matter of the appeal; the intervention will not unnecessarily delay the appeal;
- ◆ the intervenor in the appeal is substantially supporting or opposing the appeal so that the Board may know the designation of the intervenor as a proposed appellant or respondent;
- ◆ the intervention will not repeat or duplicate evidence presented by other parties; and
- ◆ if the intervention request is late, there are documented and sound reasons why the intervenor did not earlier file for such status.

When the Board makes the determination as to whether or not the person submitting the request should be allowed to become a party, it shall give the person written notice of that decision. In the discretion of the Board, a person may be denied intervention in a matter in which he/she could have participated as a party, but failed in a timely fashion to avail himself/herself of the opportunity to do so. Those wishing to become involved in the appeal process must therefore make their intentions known to the Board as soon as possible.

Mediation

General

When the parties to the appeal have been determined, the Board may, on its own initiative or at the request of any of the parties to the appeal, schedule one or more mediations prior to the date set for the hearing of the appeal. The purpose of a mediation is to facilitate the resolution of the appeal or to determine any of the procedural matters set out in the Regulation. Parties shall come to the mediation fully prepared for a useful discussion of all issues involved in the appeal, both procedural and substantive, and authorized to negotiate and make decisions with respect thereto.

Facilitation

Reasonable notice of the time, place and purpose of the mediation meeting shall be given in writing to the parties and other persons, if any, who are participating or seek to participate in the appeal. A mediation shall be held in person unless the presiding Board member concludes that personal attendance by him/her and the parties is unwarranted or impractical. In this instance, the mediation may be held by telephone or other appropriate means.

Section 11 of the Regulation contemplates that one purpose of a mediation is to facilitate the resolution of the appeal. The Board members have mediation training and, where possible, will attempt to facilitate a resolution of the appeal at a mediation. Alternatively, if it appears it would be productive, the Board may adjourn its hearing for a reasonable time to allow for third-party mediation.

The Board member who chairs the mediation will not be a member of the panel that hears the appeal.

When the parties agree to a resolution of the notice of appeal at the mediation, the Board shall within 15 days after the mediation prepare a report and recommendations that are signed by the parties and reflect the agreed upon resolution. The report and recommendations shall be submitted to the Minister to be dealt with according to the Act, and a copy of the report and recommendations will be sent to each party.

Where the parties do not agree to a resolution of the notice of appeal at the mediation, the Board in consultation with the parties may:

- ◆ determine a date for a future meeting,
- ◆ admit any facts agreed to by the parties,
- ◆ admit any evidence agreed to by the parties,
- ◆ determine the matters to be included in the hearing of the appeal pursuant to section 87(2) and (3) of the Act,
- ◆ determine any matter of procedure,
- ◆ have the parties exchange documents and written submissions and
- ◆ where an oral hearing is to be held, determine
 - the order of witnesses,
 - the day-to-day conduct of the hearing, and
 - any other necessary for the hearing.

The Hearing

Every party to an appeal must file a written submission with the Board and provide a copy to every other party at least 7 days before the date of the hearing.

Written submissions shall be given to all other parties.

A written submission shall contain:

- ◆ a summary of the facts and evidence to be relied on by the party;
- ◆ a list of witnesses to be called on by the party and a summary of each witness' evidence; and
- ◆ the name, address, telephone and fax numbers of a lawyer or other agent acting on behalf of the party.

Normally, a hearing will be held in a community most convenient to the parties and close to the location of the issue in question.

All parties proffering evidence shall do so under oath or affirmation, to be administered by a Board or staff member authorized to swear oaths.

Opening Statements

Unless the Board directs otherwise, at the beginning of every hearing each party shall give a brief opening statement that describes the issues that the party will address at the hearing. The statement should include an outline of the evidence the party intends to introduce, a list of witnesses, the topics to be covered, and the amount of time required.

The opening statements will be made in the following order: the appellant; the Director or Government representative at the hearing; and other parties.

Order of Presentation

Unless the Board directs otherwise, the evidence at a hearing shall be presented by the parties in the following order:

- 1 the appellant;
- 2 other parties whose interest or position is, in the Board's opinion, similar to that of the appellant;
- 3 the Director or Government representative at the hearing;
- 4 other parties whose interest or position is, in the Board's opinion, similar to that of the Director;
- 5 the Board's witnesses, if any; and
- 6 the appellant, in reply.

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A witness having technical or special knowledge, who is retained by the Board to give evidence, shall provide a written curriculum vitae of his/her qualifications and experience.

Expert Witness

In hearings, the Board will not normally qualify a witness as an expert, but any witness with a degree of specialized knowledge should reference that knowledge on the curriculum vitae. Any party may challenge the qualifications of any witness having technical or special knowledge, before or during the course of his/her testimony.

Curriculum vitae will be filed with the Board prior to the hearing.

The Board, in its discretion, will determine the weight to be given each witness' testimony and the witness' qualifications and experience will be a factor in determining the weight to be given such testimony. The fact that evidence is deemed admissible does not mean that it will be determinative of the issue.

23

Evidence: Admissible

The Chair shall admit any relevant oral or documentary evidence (such as hearing statements) that is not privileged. Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the appeal more probable or less probable than it would be without the evidence. The Chair may, however, exclude evidence if its probative value is substantially outweighed by: the danger of unfair prejudice; confusion of the issues; or considerations of undue delay, waste of time, or needless presentation of repetitious evidence.

The fact that evidence is deemed admissible does not mean that it will be determinative of the issue.

24

**Evidence:
Confidential
and Sensitive
Information**

Where there is full compliance with the relevant Evidence Acts, with any legislation dealing with privilege and with the Charter of Rights and Freedoms, the Chair may limit introduction of evidence or issue such protective or other orders that in his/her judgement are required to prevent undue disclosure of classified, confidential or sensitive matters which include, but are not limited to, matters of a national security, business, personal or proprietary nature. Where the Chair determines that information in documents containing classified, confidential or sensitive matters should be made available to another party, the Chair may direct the party to prepare an unclassified or non-sensitive summary or extract of the original. The summary or extract may be admitted as evidence in the record.

If the Chair determines that the procedure described above is inadequate and that classified or otherwise sensitive matters must form part of the record in order to avoid prejudice to a party, the Chair may advise the parties and provide opportunity for arrangements to permit a party or representative to have access to such matters.

25

**Evidence:
Written Testimony**

The Chair may accept and enter into the record direct testimony of a witness made by a sworn written statement rather than by oral presentation at the hearing. A witness whose testimony is presented by a sworn written statement shall be available for cross-examination, as may be required.

26

**Evidence:
Cross-examination**

Cross-examination shall be limited to the scope of the direct evidence and, subject to the discretion of the Chair, shall always be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Cross-examination will be permitted to the extent necessary for full and true disclosure of the facts. The Chair may, in the exercise of his/her discretion, permit inquiry into additional matters as if on direct evidence.

27

In cases in which the Board accepts evidence, any party offering such evidence shall have the burden of introducing appropriate evidence to support its position. Where there is conflicting evidence, the Board will decide which evidence to accept and will generally act on the preponderance of the evidence.

Burden of Proof

28

At the close of hearing and upon such terms as the Board may find reasonable, any party to the proceedings shall be entitled to file a written brief, propose findings of fact and conclusions of law, or do both. At the close of the hearing, the Chair will provide each party with an opportunity to make closing remarks. Any brief, proposed findings of fact and conclusions of law, and closing remarks shall be included as part of the record.

Closing Arguments and Briefs

29

At the conclusion of the hearing, the record shall be closed unless the Chair directs otherwise. Once the record is closed, no additional evidence shall be accepted unless the Board decides the evidence is material and that there was good cause for failure to produce it in a timely fashion. The Chair shall reflect in the record, however, any correction to the transcript approved by the panel.

Closing of the Record

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**Failure to Attend
Proceedings**

Where publication or notice of a preliminary meeting, a mediation or a public hearing has been given by the Board in accordance with these rules and statutory requirements, and a party does not attend the preliminary meeting, mediation or hearing, the Board may proceed in that party's absence and that party is not entitled to any further notice of that portion of the appeal unless the Board directs otherwise.

Unless excused by the Board for good cause shown, failure of a party to attend a proceeding, after being served with reasonable notice of the time and place thereof, shall constitute a waiver of all objections to the agreements reached in the proceeding and to any order or ruling with respect thereto.

31

Costs

Any party to a proceeding before the Board may make an application in writing to the Board for an award of costs on an interim or final basis. A party may make an application for all costs that are reasonable and are directly and primarily related to the matters contained in the notice of appeal in the preparation and presentation of the party's submission.

An application for an award of interim costs can be made by a party at any time prior to the close of a hearing of the appeal but after the Board has determined all parties to the appeal.

An application for interim costs shall contain sufficient information to demonstrate to the Board that interim costs are necessary in order to assist the party in effectively preparing its submission at a hearing or mediation meeting.

An award of interim costs is subject to a redetermination in an award of final costs.

When an application for an award of final costs is made by a party, it shall be made at the conclusion of the hearing, if any, at a time determined by the Board.

The Board may make an award of final costs subject to the terms and conditions it considers appropriate.

Any decision to award costs to a party is at the discretion of the Board.

Where the Board makes a decision (sec. 90) or proposes recommendations to the Minister (sec. 91), it shall prepare a decision or recommendation document containing:

- ◆ a statement of the issues to be decided;
- ◆ a summary of the evidence, including findings and conclusions and the reasons or basis therefore, on all material issues of fact, law or discussion presented on the record;
- ◆ the recommendations or the decision, including any dissent; and
- ◆ for administrative penalty or confidentiality appeals, the date upon which the decision will become effective or any further order the Board considers necessary for the purposes of carrying out the decision.

The decision or recommendation of the Board shall be based upon a consideration of the whole record of the material properly before the Board.



Environmental **A**ppeal **B**oard of **A**lberta

Summary of Appeals
Appendix B



Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
September 19, 1994	
Sarg Oils and Sergius Mankow Milk River (94-011)	On September 19, 1994, 16 appeals were filed by Sarg Oils and Sergius Mankow with respect to 16 Environmental Protection Orders (EPO) issued by the Director of Land Reclamation Division. The Orders required the appellants to take certain remedial action with respect to 16 abandoned well sites in Camrose. The Board decided that the Director did not err in issuing the EPOs against Mankow and Sarg. This Decision report was issued on May 11, 1995. The Board's decision underwent judicial review in the Court of Queen's Bench with a judgment issued by Justice M.E. Lomas on April 11, 1996 stating that the Board's decision was to be quashed and the Board must rehear the appeal. A hearing took place on November 5 and 6, 1996 in Edmonton. The Board issued a Report and Recommendations on December 5, 1996, confirming the Inspector issued the EPO's properly however, directed that the Inspector of Land Reclamation immediately examine the criteria followed when deciding what parties are to be recipients of EPO's; and the criteria should be made publicly available. The Minister agreed with the Board's report on December 16, 1996.
November 3, 1994	
Murray and Kathleen Williams (Gulf Canada Resources Ltd.) Eckville (94-014)	On November 3, 1994, Murray and Kathleen Williams filed an appeal regarding Reclamation Certificate #31843 issued to Gulf Canada Resources Ltd. with respect to an abandoned well site. A hearing was scheduled on May 16, 1995 with a pre-hearing meeting on May 2, 1995 in Eckville. The public hearing was adjourned until June 9, 1995 to provide all parties time to prepare. The Board issued a Report & Recommendation on July 7, 1995 stating that the appeal against the issuance of a reclamation certificate be allowed and that the operator be required to reapply for a reclamation certificate. The Minister agreed with the Board's recommendations and ordered they be implemented July 19, 1995. The Board's decision underwent judicial review resulting in Justice C.L. Kenny's judgment of April 25, 1996 stating that the Board's decision stands.
November 28, 1994	
Ms. Klimek on behalf of Dr. Martha Kostuch (Alberta Cement Corporation) Rocky Mountain House (94-017)	On November 28, 1994, Ms. Klimek, on behalf of Dr. Martha Kostuch, filed an appeal regarding Approval 93-WP-042B and 93-AP-099B (94) issued to Alberta Cement Corporation by the Director of Air and Water Approvals. This approval was to amend the Permits to Construct by extending the deadline for commencement of construction of the cement plant from November 1, 1994 to November 1, 1995 and providing for additional soil and groundwater monitoring. On June 15, 1995 a preliminary meeting was held. A Decision report was issued on August 23, 1995 stating the appellant is not directly affected by this Approval and is, therefore, dismissed. The Board's decision underwent judicial review with a judgment issued on March 29, 1996 by Justice R.P. Marceau stating that the Board's decision stands.

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
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January 13, 1995

Roy Hanson (Fletcher
Challenge Petroleum Inc.)
Cadogan, Alberta
(95-003)

On January 13, 1995, Roy Hanson filed an appeal regarding Reclamation Certificate #31851 issued to Fletcher Challenge Petroleum Inc. by the Director of Land Reclamation Division. Specifically, the site in question was taken over by crested wheat grass which was not approved to be in the original mixture of seeds and wanted piezometer maintained for the protection of ground water and also possible gas leaks. On May 9, 1996 a pre-hearing was held which resulted in a resolution. The Board filed a Report and Recommendations on May 22, 1996 and on June 6, 1996, the Minister agreed to the Board's report.

July 14, 1995

Donald Fawcett
(Renaissance Energy Ltd.)
Consort
(95-013)

On July 14, 1995, an appeal was received from Donald Fawcett regarding Reclamation Certificate 32211 issued to Renaissance Energy Ltd. by the Director of Land Reclamation Division. Mr. Fawcett was concerned that his crops planted on the access road and also parts of the surface lease were much less than the surrounding crops. A pre-hearing meeting was scheduled for October 25, 1995. At the pre-hearing a resolution resulted between Donald Fawcett and Renaissance. The Board adjourned the appeal until June 30, 1996, at which time the conditions set between the parties were to be carried out. No response was received from the parties indicating the conditions of the resolution were not carried out and the Board closed its file on July 3, 1996.

September 26, 1995

Gwen McKendrick
(Foothills Water Utility Corp.)
Cochrane
(95-019)

On September 26, 1995, Grant McNabb, agent for Gwen McKendrick, filed an appeal regarding Approval 95-MUN-229 issued to Foothills Water Utility Corp. for a waterworks system by the Director of Air and Water Approvals Division. On October 18, 1995, a further appeal was filed by Jack and Betty Bancroft. The Bancrofts were concerned that the Approval had been given to Foothills to service Phase 1 land, of which they owned a significant portion. On October 19, 1995, a further appeal was received from Marvin Laye objecting to the route of the pipeline. On October 25, 1995, Mr. and Mrs. Bancroft withdrew their appeal. On November 9, 1995, the Board received a notice of withdrawal from Marvin Laye. Upon publication of a Notice of Hearing, the Town of Cochrane, the Municipal District of Rocky View No. 44 and Foothills were granted party status. The Board held a pre-hearing on February 21, 1996. Foothills expressed a willingness to work with the appellant in order to address any concerns. A resolution was agreed to by all parties on February 21, 1996. The Board issued a Report and Recommendations on March 6, 1996, and the Minister agreed with the report on March 11, 1996.

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
October 26, 1995	
Custom Environmental Services Ltd. Edmonton (95-020)	On October 26, 1995, Custom Environmental Services Ltd. filed an appeal regarding Approval 95- IND-085 as it would curtail the company's waste management and recycling activities. This Approval was issued by the Director Chemicals Assessment and Management Division. A hearing was set for January 15, 16 and 17, 1996. After considering all evidence the Board issued a Report and Recommendation stating it confirms the Director's issuance of the Approval on February 14, 1996. The Minister agreed with the Board's report on February 21, 1996. The Board's decision is under judicial review. An Originating Notice dated March 22, 1996, was filed by Richard Secord. As of October 1, 1996, the judicial review is pending.
November 23, 1995	
Darlene Orsten (Shell Canada Ltd.) Fort Saskatchewan (95-021)	On November 23, 1995, an appeal was received from Darlene Orsten regarding the Approval 95- IND-205 issued to Shell Canada Ltd. for the Scotford Complex by the Director of Air and Water Approvals Division. The concerns related to air monitoring and water testing. Ms. Orsten contacted the Board on February 20, 1996, to advise that she was withdrawing her appeal as the levels of benzene were not as significant as she initially thought. A letter of withdrawal dated February 26, 1996, was received and the file was closed by the Board on February 27, 1996.
November 25, 1995	
Patricia Turanich (TBG Contracting Ltd.) Fort Saskatchewan (95-022)	On November 29th, 1995, Patricia Turanich appealed Application 001-17485, from the Director of Land Reclamation for TBG Contracting Ltd. On December 8, 1995, the Environmental Law Section advised the Board that an approval had not been issued yet and the appeal was premature. On January 4, 1996, the Board advised the appellant that her appeal was premature and closed its file.
December 6, 1995	
Frank Jessa of Universal Beverage Container Depot Airdrie (95-023)	On December 6, 1995, an appeal was received from Frank Jessa, of 322136 Alberta Ltd (Universal Beverage Container Depot) appealing the decision of the Director of Action on Waste. Mr. Jessa's application was denied for the operation of a beverage container depot. A public hearing was set for April 22, 1996. On April 12, 1996, the solicitor for the appellant advised that Frank Jessa had directed that his appeal be withdrawn. The Board closed its file on April 12, 1996.

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
December 11, 1995	
Grant R. Vipond (Shell Canada Ltd.) Calgary (95-024)	On December 11, 1995, Grant Vipond filed an appeal regarding Reclamation Certificate #28409 issued to Shell Canada Ltd. by the Director of Land Reclamation Division siting that the lands do not produce reasonable crop yields and are very low in organic matter. A pre-hearing meeting was scheduled for March 12, 1996, however, Mr. Vipond requested the appeal be held in abeyance as he was consulting with Shell Canada to resolve the issues. On August 2, 1996, Grant Vipond withdrew his appeal and the Board closed the file on August 6, 1996.
December 20, 1995	
Ed Graham, Lesser Slave Lake Indian Regional Council, Lesser Slave Lake and Toxics Watch Society Edmonton Fort Assiniboine (Chem-Security) (95-025)	This appeal relates to the operation of the Alberta Special Waste Treatment Centre. On December 20, 1995, Ed Graham of Fort Assiniboine filed an appeal regarding Approval 95-IND-237 which was renewed to Chem-Security (Alberta) Ltd. by the Director of Chemicals Assessment and Management. This was the first permanent approval for the operation of the incinerator issued pursuant to the Environmental Protection and Enhancement Act. On December 21, 1995, the Lesser Slave Lake Indian Regional Council and on January 3, 1996, the Toxics Watch Society filed appeals. The Toxics Watch Society subsequently withdrew their appeal. The Board issued a Decision report on June 28, 1996, and a copy was forwarded to the Minister. The Board ordered that a hearing on the matters of PCB fugitive emissions and off-site surface water discharge will be held. The sole appellant in the appeal is Charlie Chalifoux. The Board's Decision was the subject of judicial review. As a result of the judicial review, the hearing scheduled for November 19, 20 and 21, 1996, had been cancelled. The case was heard in special chambers on October 3, 1996, by Justice D.H. Medhurst. On January 13, 1997, Justice Medhurst issued a decision stating that the application by Chem-Security is dismissed. On January 17, 1997, Chem-Security filed an appeal of Justice Medhurst's decision.
January 3, 1996	
Mr. Michael Bracko (Gregg River Resources) Hinton (96-001)	On January 3, 1996, an appeal was received from Mr. Michael Bracko regarding Approval 11905- 00-04 issued to Gregg River Resources by the Director of Land Reclamation Division. The appellant objected to the development of a settling pond in one of their pits and releasing treated plant process waste water into the Gregg River. On April 2, 1996, the Board received notice of withdrawal from Mr. Bracko and consequently closed its file on that date.

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
February 9, 1996	
Alberta Cement Corporation Edmonton (96-002)	On February 9, 1996, Alberta Cement Corporation filed an appeal regarding the decision of the Director of Air and Water Approvals Division stating that permits 93-AP-009 and 93-WP-042 for the Rocky Mountain House cement manufacturing plant are null and void. On April 22, 1996 the appeal was held in abeyance pending the judicial review filed by Alberta Cement. The Memorandum of Judgment of the Honourable Madame Justice J.B. Veit issued on July 5, 1996, stated that the decision by the Director of Air and Water Approvals Division, Environmental Protection, that the permits of Alberta Cement are null and void, was irrational. On July 11, 1996, parties were notified that the Board would be closing its file within 30 days in light of this decision.
February 2, 1996	
Alberta Treasury Branches Calgary and the City of Drumheller Drumheller (96-003/96-005)	On February 2, 1996, Alberta Treasury Branches filed a notice of appeal objecting to the Designation Order dated January 19, 1996, by the Director of Chemical Assessment and Management. On February 8, 1996, the City of Drumheller filed a notice of appeal in relation to the same Order as they had been designated parties as well. A pre-hearing was conducted on May 27, 1996, and a resolution was agreed to. A Report and Recommendations was prepared by the Board on May 31, 1996, and agreed to by the Minister on June 4, 1996.
February 15, 1996	
Kanata Environmental Services Edmonton (96-004)	On February 15, 1996, Kanata Environmental Services filed an appeal regarding the decision of the Director of Pollution Control Division relating to Enforcement Order 96-03. On March 21, 1996 the Board issued a Decision report stating it did not have jurisdiction to hear the appeal and the appeal was dismissed. A copy of the Decision was sent to the Minister on March 21, 1996.
March 5, 1996	
Bill Lucey (Western Steel Partnership) Calgary (96-006)	Bill Lucey, Leader of the Confederation of Regions Party, filed an appeal on March 5, 1996, regarding Approval 11602-00-01 issued to Western Steel Partnership by the Director of Air and Water Approvals. The Approval was an amendment of an earlier Approval for the demolition, decommissioning and reclamation of the primary metal production plant. The Board concluded in its Decision report of April 11, 1996, that the appeal is being dismissed as the appellant failed to disclose any grounds that may justify an appeal and he failed to comply adequately with the Board's written request. A copy of the Decision report was sent to the Minister on April 12, 1996.

Appeals Received

Table 1

Date Filed	Appellant(s)/ Location	Subject/Status
March 7, 1996		
Alberta Pacific Forest Industries Inc. Edmonton (96-007)	On March 7, 1996, an appeal was received from Alberta Pacific Forest Industries Inc. regarding an amendment of February 28, 1996, to Enforcement Order 95-09 issued by the Director of Pollution Control relating to the concept of an odour complaint threshold. On April 11, 1996, the appellant withdrew the appeal and the Board closed its file on this date.	
April 11, 1996		
Alberta Pacific Forest Industries Inc. Edmonton (96-008)	On April 11, 1996, an appeal was received from Alberta Pacific Forest Industries Inc. regarding an amendment of April 2, 1996, to Enforcement Order 95-09 issued by the Director of Pollution Control relating to the elimination of offensive odours outside the plant. On June 21, 1996, the appellant withdrew their appeal and the Board closed its file on June 25, 1996.	
April 26, 1996		
Pat Allen (County of Ponoka) Lacombe (96-009)	On April 26, 1996, Pat Allen filed an appeal regarding the removal of 66,000,000 gallons of water from the aquifer associated with the opening, operation and reclamation of the gravel pit. The Approval (15385-01-00) was issued by the Director of Land Reclamation to the County of Ponoka. On June 17, 1996, the Board conducted a pre-hearing. The pre-hearing resulted in Ms. Allen withdrawing her appeal on the basis her concerns would be best addressed through the Water Resources Administration Division of the Department of Environmental Protection and the County of Ponoka would continue to abide by the restrictions contained within their licence. The Board prepared a Report and Recommendations on June 27, 1996, advising the Minister need not take any further action. A copy of the report was forwarded to the Minister.	
April 26, 1996		
Alberta Power Limited Edmonton (96-010)	Alberta Power filed an appeal on April 26, 1996, in regards to Approval No.'s 18260-01-00 and 18261-01-00 issued by the Director of Chemical Assessment and Management Division. A procedural meeting was held on July 11, 1996. Parties requested the appeal be held in abeyance while they attempt to resolve the matter. An extension was granted and parties were asked to provide a status update September 30, 1996. As the parties were able to resolve the matter, Alberta Power withdrew their appeal on September 11, 1996 and the Board closed its file.	

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
May 16, 1996	
Joe Zink of Colpitts Ranches (Westridge Water Supply Ltd.) Calgary (96-011)	Joe Zink of Colpitts Ranches filed an appeal on May 16, 1996, regarding Amending Approval 1298- 00-01 issued to Westridge Water Supply Ltd. by the Director of Air and Water Approvals Division for a permanent auxiliary raw water supply intake and pipeline to replace the unapproved temporary supply line installed in 1995. A pre-hearing meeting on August 26, 1996, resulted in unsuccessful mediation. A hearing was held on October 7, 1996, and the Board's Report and Recommendations stated the application should be returned to the Director of Air and Water Approvals for reconsideration based on new and proper evidence and the Director should exercise his discretion and consider site suitability, water quality, groundwater conditions and site drainage. The Minister agreed to the Board's report on November 13, 1996.
May 23, 1996	
Victor Durish, Gammon Resources Ltd. Calgary (96-012)	Victor Durish, President of Gammon Resources Ltd., filed an appeal on May 23, 1996, in regard to Environmental Protection Order 96-07 issued on May 15, 1996. Specifically, Gammon Resources objected that no other operators are responsible for the condition of the land. Pre-hearing meetings took place on July 18, 1996, and August 13, 1996, however, mediation was unsuccessful. A hearing took place on October 21, 1996, in Calgary. The Board issued a Report and Recommendations on November 20, 1996, stating that the Inspector acted correctly in issuing the EPO to Gammon alone. The Minister agreed to the Board's report on November 25, 1996.
June 14, 1996	
David and Ethel Jessey (Municipal District of Rocky View No. 44) Strathmore	David and Ethel Jessey filed an appeal on June 14, 1996, regarding Approval 918-01-00 issued by the Director of Air and Water Approvals to the Municipal District of Rocky View No. 44 to allow the operation of a Class I wastewater treatment plant and collection system. A pre-hearing meeting took place on August 27, 1996, and it was agreed by all parties that the appeal would be held in abeyance until March 17, 1997.
June 14, 1996	
Joe Przybylski (Cool Spring Dairy Ltd.) Whitelaw (96-014)	Mr. Przybylski filed an appeal on June 14, 1996, regarding a decision of the Director, Pollution Control Division, to Cool Spring Dairy Ltd. in Whitelaw. On June 14, 1996 Mr. Przybylski was advised that it may be pre-mature for the involvement of the Board at this time as an approval had not yet been issued. On July 30, 1996, Mr. Przybylski was asked for a response to the Board's June 14th letter asking if he wished to pursue any further action. No further correspondence received and the file was subsequently closed.

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
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June 18, 1996

Lorraine Vetsch (Laidlaw
Environmental Services
(Ryley) Ltd.)
Edmonton
(96-015)

On June 18, 1996, Lorraine Vetsch filed an appeal regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. This Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski was directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

June 25, 1996

Mildred & Robert Rokos
(Laidlaw Environmental
Services (Ryley) Ltd.)
Ryley
(96-016)

On June 25, 1996, Mildred and Robert Rokos filed an appeal regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. This Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

July 2, 1996

Donna Clandfield
(Laidlaw Environmental
Services (Ryley) Ltd.)
Edmonton
(96-017)

On July 2, 1996, Donna Clandfield filed an appeal regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

July 2, 1996

Paul First Nation
(TransAlta Utilities Ltd.)
Duffield
(96-018)

On July 2, 1996, the Paul First Nation filed an appeal regarding Approvals 9830-01-00 and 18528-00-00 issued to TransAlta Utilities Ltd. by the Director of Air and Water Approvals. The appellant stated that the Approvals were not adequate to address the water level of Lake Wabamun or the air emissions from the Sundance Thermal Electric Power Plant. A notice of withdrawal was received from the appellant on July 19, 1996, and the Board in turn closed its file.

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
July 3, 1996	
Donna Enger (Laidlaw Environmental Services (Ryley) Ltd) Edmonton (96-019)	On July 3, 1996, Donna Enger filed an appeal regarding Approval 10348-01-00 Issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.
July 5, 1996	
Wendy M. Davis, Mary Trumpener, Olga Shklanka (Laidlaw Environmental Services (Ryley) Ltd.) Edmonton (96-020 to 96-022)	On July 5, 1996, Wendy Davis, Mary Trumpener and Olga Shklanka filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.
July 4, 1996	
Julia Greer (Laidlaw Environmental Services (Ryley) Ltd.) Edmonton (96-023)	On July 4, 1996, an appeal was received from Julia Greer regarding Approval #10348-01-00 issued to Laidlaw Environmental Services (Ryley) Ltd. by the Director of Chemical Assessment and Management. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. On August 26, 1996 the appellant withdrew her appeal and the Board closed its file on August 27, 1996.
July 5, 1996	
Elizabeth Paschen, Elizabeth Schwob, Jean Home, Robert D. Robinson (Laidlaw Environmental Services (Ryley) Ltd.) Edmonton (96-024 to 96-027)	On July 5, 1996, Elizabeth Paschen, Elizabeth Schwob, Jean Home and Roberta D. Robinson filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996 stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
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July 8, 1996

Patricia J. Wishart (Laidlaw
Environmental Services
(Ryley) Ltd.)
Edmonton
(96-028)

On July 8, 1996, Patricia Wishart filed an appeal regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

July 9, 1996

Thomasine A. Irwin, A. Toine
Rhemtulla, Alice Dupuit
(Laidlaw Environmental
Services (Ryley) Ltd.)
Edmonton
(96-029 to 96-031)

On July 9, 1996, Thomasine A. Irwin, A. Toine Rhemtulla and Alice Dupuit filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that only Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

July 10, 1996

Pamela M. Laing,
Pam Campbell
(Laidlaw Environmental
Services (Ryley) Ltd.)
Edmonton
(96-032 and 96-033)

On July 10, 1996, Pamela Laing and Pam Campbell filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

July 10, 1996

Robert Wilde/Mark &
Faye Garstad
(Laidlaw Environmental
Services (Ryley) Ltd.)
Edmonton/Ryley
(96-034)

On July 10, 1996, Robert Wilde filed an appeal on behalf of himself and Mr. and Mrs. Mark Garstad regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996 stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

Appeals Received

Table 1

Appellant(s) Location	Subject/Status
July 10, 1996	
Janet A. Melkie, Leila Karmy-Jones (Laidlaw Environmental Services (Ryley) Ltd.) Edmonton (96-035 and 96-036)	On July 10, 1996, Janet Melkie and Leila Karmy-Jones filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.
July 10, 1996	
Peter Zagrosh (Laidlaw Environmental Services (Ryley) Ltd.) Mundare (96-037)	On July 10, 1996, Peter Zagrosh filed an appeal regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.
July 10, 1996	
Florence Wood, Gloria Foth, Helena Lutz, George Pawluk, Helen and Jim Karénko, Isbelle and Thomas Meadley, Curtis Basaraba, Mariette Chesterman, Edward Barnhard, Vernet A. Webb, Lee and Marilyn Fenske, Ernil and Charles Young, Leslie Price, Leona Thomas, Rudy and Gertie Mizera, Mrs. Kuzyk, Anton and Lucille Knudslén, Ellen Helesen (on behalf of the County of Beaver Environmental Association) (Laidlaw Environmental Services (Ryley) Ltd.) Ryley (96-038 to 96-054)	On July 10, 1996, Florence Wood, Gloria Foth, Helena Lutz, George Pawluk, Helen and Jim Karenko, Isbelle and Thomas Meadley, Curtis Basaraba, Mariette Chesterman, Edward Barnhard, Vernet A. Webb, Lee and Marilyn Fenske, Ernil and Charles Young, Leslie Price, Leona Thomas, Rudy and Gertie Mizera, Mrs. Kuzyk, Anton and Lucille Knudslén, Ellen Helesen filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

Appeals Received

Table 1

Appellant(s): Location	Subject/Status
July 10, 1996	
Dennis Fenske, Hunka (Laidlaw Environmental Services (Ryley) Ltd.) Tofield Alice Mahlum, Debbie and Lloyd Ryley (96-055 to 96-058)	On July 10, 1996, Dennis Fenske, Alice Mahlum, Debbie and Lloyd Hunka filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.
July 10, 1996	
Bernice Kozdrowski (Laidlaw Environmental Services (Ryley) Ltd.) Ryley (96-059)	On July 10, 1996, Bernice Kozdrowski filed an appeal regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision report was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The hearing of January 22 and 23, 1997, was postponed and re-scheduled for March 4, 5, 6 and 7, 1997.
July 11, 1996	
Janet Ould, Sharon Mackenzie, William Jones, Lois Larson (Laidlaw Environmental Services (Ryley) Ltd.) Edmonton (96-060 to 96-063)	On July 11, 1996, Janet Ould, Sharon MacKenzie, William Jones and Lois Larson filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.
July 12, 1996	
Robert & Valeria Dueck (Laidlaw Environmental Services (Ryley) Ltd.) Tofield (96-064)	On July 12, 1996, Robert and Valeria Dueck filed an appeal regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.

Appeals Received

Table 1

Appellant(s) Location	Subject/Status
July 15, 1996	
Barbara Blackley, Maxine Farr-Jones (Laidlaw Environmental Services (Ryley) Ltd.) Edmonton (96-065 and 96-066)	On July 15, 1996, Barbara Blackley and Maxine Farr-Jones filed appeals regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.
July 16, 1996	
Muriel A. Clarke (Laidlaw Environmental Services (Ryley) Ltd.) Edmonton (96-067)	On July 16, 1996, Muriel Clarke filed an appeal regarding Approval 10348-01-00 issued by the Director of Chemical Assessment and Management Division to Laidlaw Environmental Services (Ryley) Ltd. The Approval related to the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility; and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. A preliminary meeting was held on September 30, 1996 and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997. The Board, therefore, closed its file.
July 18, 1996	
David Slater of Paramount Resources Ltd. Calgary (96-068)	David Slater filed an appeal on July 18, 1996, regarding the magnitude of an administrative penalty (\$4,500) imposed by the Director of Pollution Control for failing to provide monthly reports as required by their Approval 93-AL-112 for the Saleski Sour Gas Plant. On September 13, 1996, Paramount advised the Board that they would be withdrawing their appeal and the Board in turn closed its file.
July 18, 1996	
Nick Zon (TransAlta Utilities Corporation) Edmonton (96-069)	Nick Zon filed an appeal on July 18, 1996, regarding Approval No.'s 18528-00-00 and 9830-01-00 issued to TransAlta Utilities Corporation by the Director of Air and Water Approvals Division. Further information was requested from counsel for the appellant. On September 24, 1996, the Board directed that it will discontinue its proceedings as it is not persuaded that there are sufficient grounds for granting the extension of the time for filing an appeal, particularly in light of the fact that the matter in question appears to reside primarily under the Water Resources Act.
August 13, 1996	
Joe and Robert Przybylski (Cool Spring Dairy Ltd.) Whitelaw (96-070)	Joe and Robert Przybylski filed an appeal on August 13, 1996, regarding Approval 18756-00-00 issued by the Director, Air and Water Approvals Division to Cool Spring Dairy Ltd. for the construction, operation and reclamation of the Whitelaw forage drying facility. A hearing is scheduled for February 25, 1997, in Peace River.

Appeals Received

Table 1

Filed Appellant(s)/ Location	Subject/Status
August 20, 1996	
David & Claire Andrews, (Sulfer Works Inc.) Irricana (96-071)	On August 20, 1996 an appeal was received from David and Claire Andrews regarding the decision of the Head of the Environmental Impact Assessment Branch to not require Sulfer Works Ltd. to submit to an impact assessment study. On August 28, 1996, the appellant was advised that as there was no approval issued it was premature/lack of jurisdiction for the Board to get involved. The Board closed its file on August 28, 1996.
August 26, 1996	
Bill Lucey (Suncor Inc. Oil Sands Group) Calgary (96-072)	On August 26, 1996, an appeal was received from Bill Lucey of the Confederation of Regions Political Party regarding Approval 94-01-01 issued to Suncor Inc. Oil Sands Group by the Director of Air and Water Approvals Division. On October 15, 1996, the Board issued a Decision report stating that the appeal was dismissed for lack of sufficient information as requested by the Board. A copy of the report was forwarded to the Minister on October 15, 1996.
September 12, 1996	
Penn West Petroleum Ltd. Calgary (96-073)	On September 12, 1996, an appeal was received from Bill Bell of Macdonald Engineering Group Ltd. on behalf of Penn West Petroleum Ltd. regarding Approval 9804-01-02 issued by the Director of Air and Water Approvals Division. The Approval is for the expansion of the Minnehik-Buck Lake sour gas plant for the processing of natural gas. Specifically, Penn West objects to the terms and conditions of the Approval. On November 13, 1996, Bill Bell advised the Board that Penn West Petroleum is withdrawing their appeal as they have resolved the matter with the Department of Environmental Protection. As a result, the Board issued a Discontinuance of Proceedings on November 14, 1996 and closed it file.
September 19, 1996	
BPCO (Canadian Turbo (1993) Inc.) Edmonton (96-074)	On September 19, 1996, an appeal was filed by Steven G. Hertzog of BPCO regarding Approval 9956-01-01 issued to Canadian Turbo by the Director of Chemical Assessment and Management Division for the decommissioning and reclamation of the Edmonton Used Oil Recycling Plant. On October 1, 1996, the appeal was held in abeyance until January 15, 1997 as requested by the parties.
September 23, 1996	
Land Petroleum International Inc. Calgary (96-075)	On September 23, 1996, Robert Steinborn of Land Petroleum International Inc. filed an appeal regarding Environmental Protection Order 96-11 dated September 19, 1996, issued by the Director of Land Reclamation, relating to the Majeau well. A mediation was held on December 9, 1996, in Edmonton and included the landowner, Frank Wegewitz. Land Petroleum International Inc. requested the file be brought forward on December 20, 1996 as he wished to consider terms discussed at mediation.

Appeals Received

Table 1

Appellant(s)/ Location	Subject/Status
September 30, 1996	
Dennis Stretch Consulting for Donald Sommers (Chauvco Resources Ltd.) Champion (96-076)	On September 30, 1996, Donald Sommers filed an appeal regarding Reclamation Certificate #30906 issued to Chauvco Resources Ltd. by the Director of Land Reclamation Division. The grounds for the appeal are extreme soil compaction and mixed soil classes resulting in poor crop growth in well area. A mediation took place on December 5, 1996, in Champion, Alberta, with the appellant and Chauvco agreeing to private terms. The appeal was then withdrawn by the appellant, Donald Sommers, and the Board issued a Discontinuance of Proceedings on December 6, 1996.
October 7, 1996	
Jerome Kasha (Imperial Oil Ltd.) Leduc (96-077)	On October 7, 1996, Jerome Kasha filed an appeal regarding Reclamation Certificate #32565 issued to Imperial Oil Ltd. by the Director of Land Reclamation Division. Specifically, the appellant advised that rocks, grease and contaminants were not removed satisfactorily from adjacent to the former well site. A mediation took place on November 29, 1996, in Leduc, Alberta. It was agreed by all parties that the file would be held in abeyance until September 1, 1997, in order that the Department could examine the soil for possible contamination.
October 7, 1996	
Hugh Weis, Superior Vet and Farm Supply Edmonton (96-078)	On October 7, 1996, Hugh Weis of Superior Vet and Farm Supply filed an appeal regarding an administrative penalty of \$6,000 imposed by the Director of Pollution Control. The penalty relates to Approval 4736-01 issued by the Director of Chemical Assessment and Management Division. A hearing date has been set for March 25, 1997, in the Board's office.
October 25, 1996	
Sylvester Woytkiw (Norcen Energy Resources Ltd.) Elk Point (96-079)	On October 25, 1996, Sylvester Woytkiw filed an appeal regarding Reclamation Certificate #33631, issued by the Director of Land Reclamation Division to Norcen Energy Resources Ltd. Specifically, Mr. Woytkiw states drilling by Norcen has affected his drinking water. A mediation has been set for January 14, 1997, at the residence of the appellant.
November 6, 1996	
Paul Emile & Yvonne Gamache (Mobil Oil Canada) Fort Kent (96-080)	On November 6, 1996, Paul Emile and Yvonne Gamache filed an appeal regarding Reclamation Certificate #28441 issued by the Director of Land Reclamation Division to Mobil Oil Canada. Specifically, Mr. Emile and Ms. Gamache contend that vegetation will not grow in the area reclaimed and request the land be reclaimed to original state. A mediation has been set for February 4, 1997.

Appeals Received

Table 1

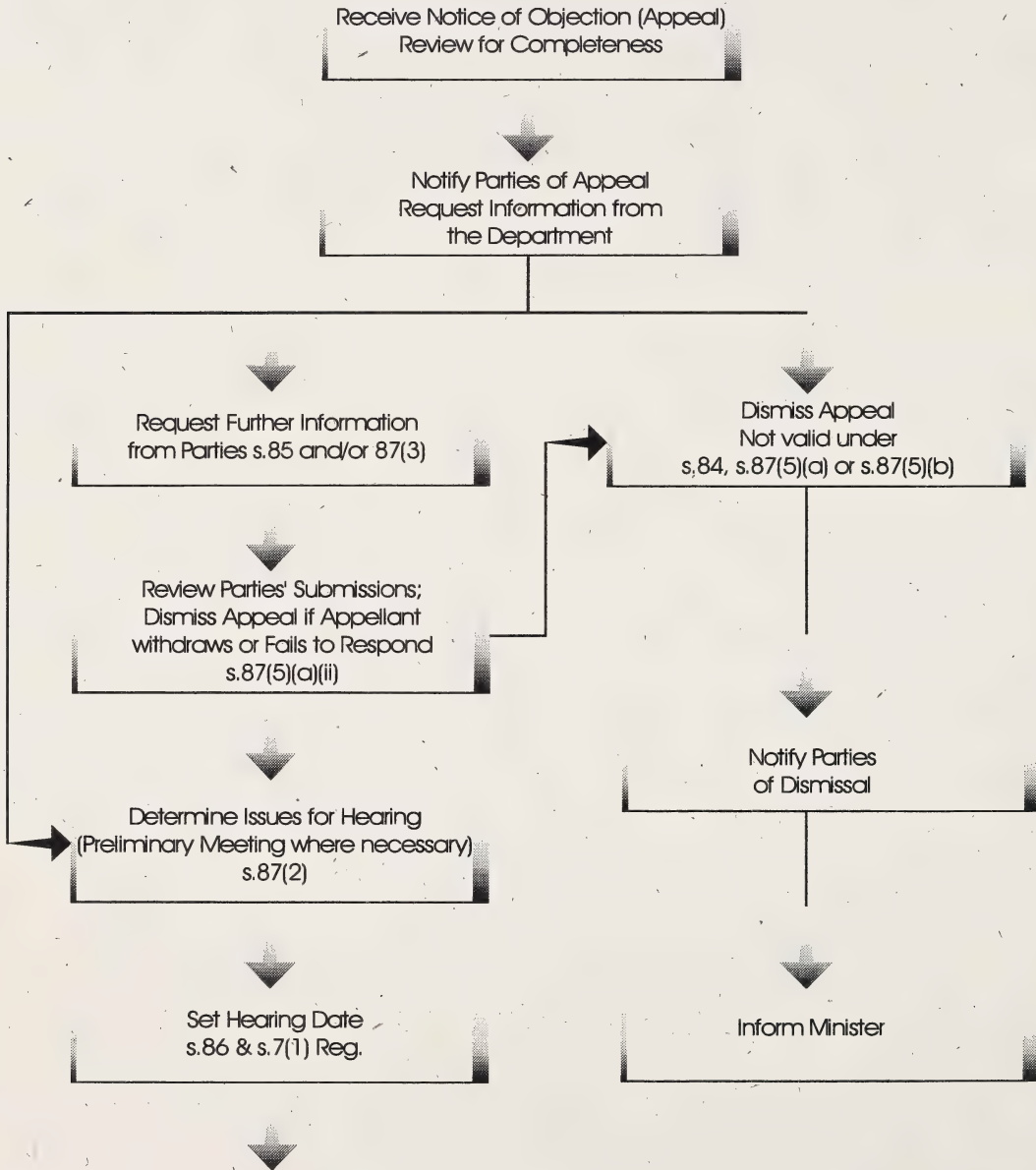
Date Filed	Appellant(s)/ Location	Subject/Status
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December 20, 1996

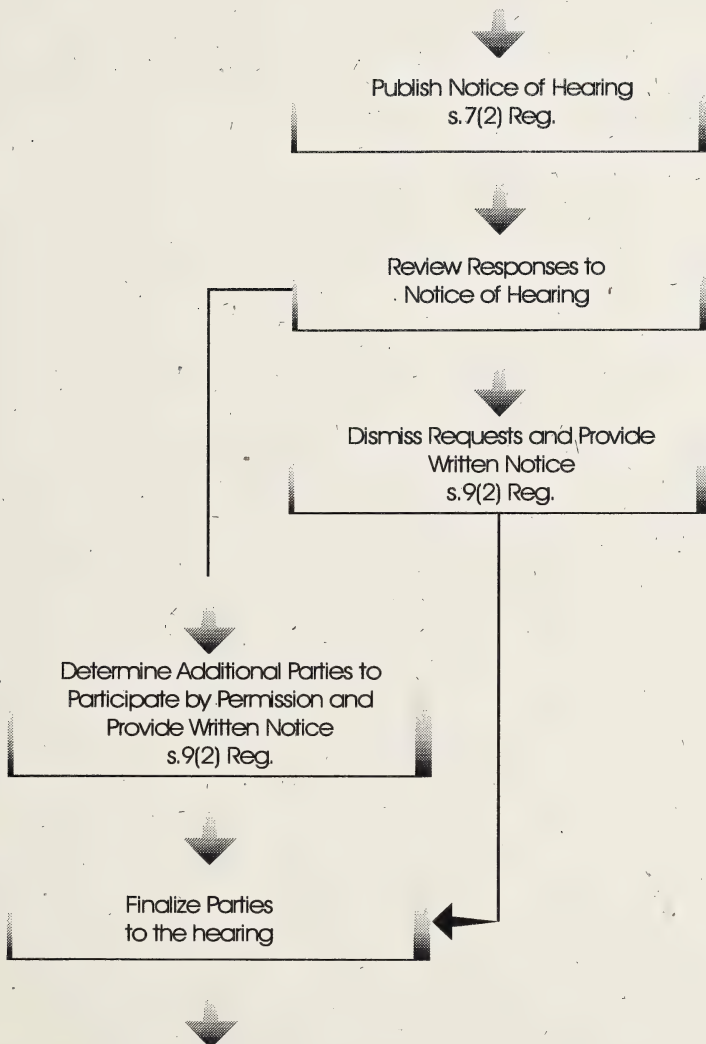
Castledowns Bottle Depot
Ltd.
(692987 Alberta Ltd./Universal
Beverage Container Depot)
Edmonton
(96-081)

On December 20, 1996, McCuaig Desrochers on behalf of Castledowns Bottle Depot Ltd., filed an appeal regarding an Approval issued to Universal Beverage Container Depot/692987 Alberta Ltd. for application number BC96-0026. Specifically, the appellant objects to the guidelines the Director considered when making his decision. A hearing has been scheduled for February 18, 1997.

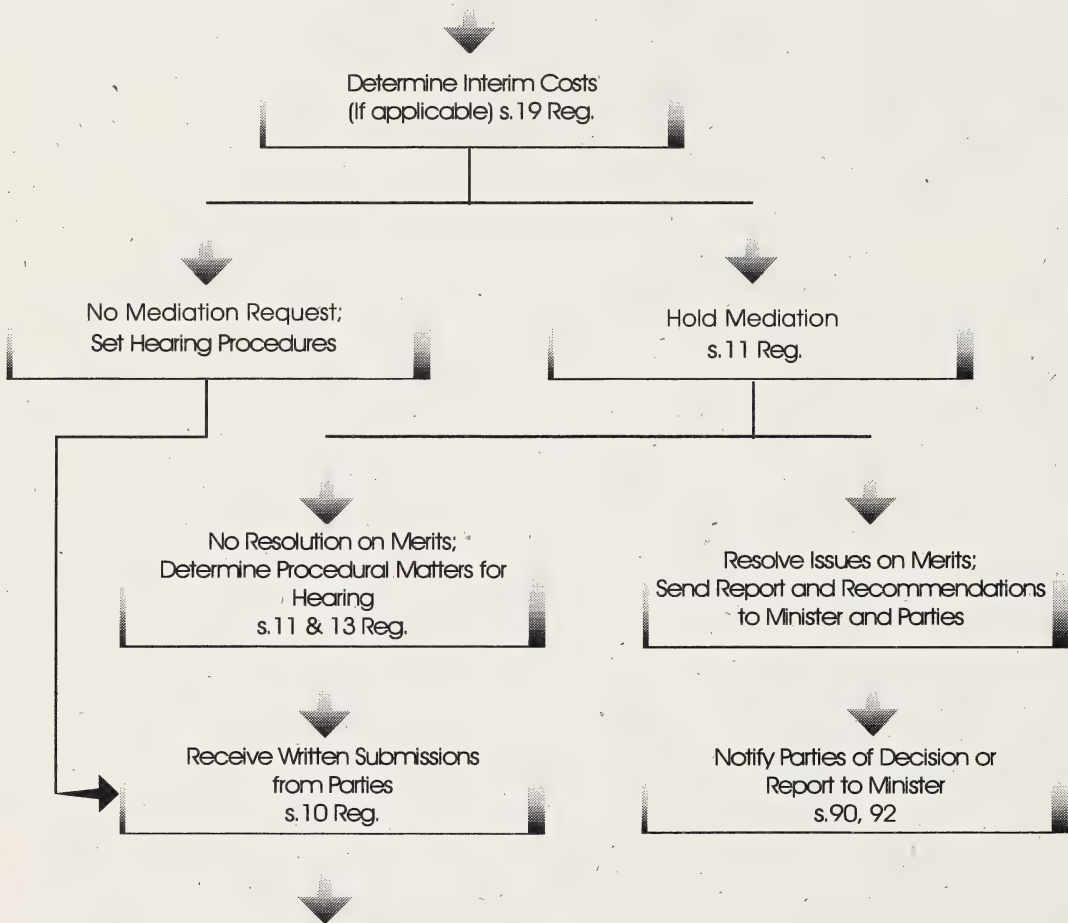
Environment Appeal Board Procedures



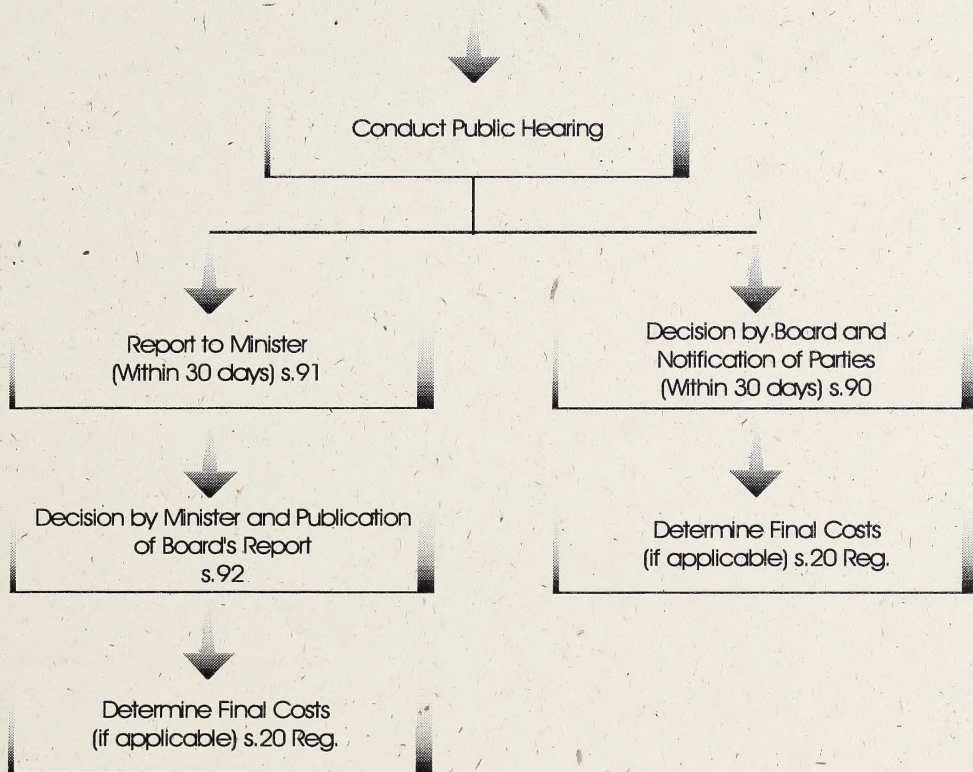
Environment Appeal Board Procedures



Environment Appeal Board Procedures



Environment Appeal Board Procedures



Note: This flowchart is intended to provide a general overview of the Board's procedures. This chart is not intended to provide legal guidance. For specific information, please consult the Act, regulations and the Rules of Practice of the Environmental Appeal Board.

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